

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 13

Case No: 17-43078-nhl

BEGUM S. NASSA,

Debtor(s)

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AFFIRMATION IN OPPOSITION TO TRUSTEE'S MOTION TO DISMISS

Amy Berkowitz-Ortiz, Esq., an attorney duly admitted to practice law in the State of New York does hereby affirm under penalty of perjury as follows:

1. I am the attorney for the Debtor, Begum S. Nassa, ("the Debtor") and am familiar with all of the facts and circumstances herein.

2. The affirmation is submitted in opposition to Marianne DeRosa, the Chapter 13 Trustee's motion seeking to dismiss the Debtor's Chapter 13 petition.

3. The Debtor filed a petition under the provisions of 11 U.S.C. Chapter 13 on June 13, 2017.

4. The Trustee states that the Debtor failed to "provide the Trustee with a copy of an affidavit stating that the Debtor has paid all amounts that are required to be paid under a domestic support obligation or that the Debtor has no support obligations as required by E.D.N.Y. LBR 2003-1(b)(ii)(A) and (B)" and failed to "provide the Trustee with a copy of an affidavit from the Debtor stating that the Debtor has filed all applicable federal, state and local tax returns under the Bankruptcy Code Section 1308 as required by E.D.N.Y. LBR 2003-1(b)(iii)". On December 17, 2018, my office uploaded a copy of the Debtor's Affidavit of Compliance regarding domestic support obligations and tax returns to the Trustee's portal.

5. The Trustee states that the Debtor “failed to file the original affidavits with the Court as required under subdivisions (b)(ii) and (iii) as required by E.D.N.Y. LBR 2003-1(c).” On December 17, 2018, this office filed the Debtor’s Affidavit of Compliance regarding domestic support obligations and tax returns with the Court via electronic filing.

6. The Trustee states that the Debtor “failed to comply with 11 U.S.C. Section 1325(a)(6) in that the Debtor has not submitted timely Chapter 13 plan payments to the Trustee, and is \$4,120.00 in arrears through and including September 2018.” This office filed an Amended Chapter 13 Plan, docket #56, dated December 17, 2018 which brings the Debtor current through and including December 2018. The Amended Chapter 13 Plan also states that the Debtor is in a fully executed Contract to sell her real property at 58-64 43rd Avenue, Woodside, NY. This office recently received a copy of the Buyer’s Commitment Letter.

Therefore, the Debtor is requesting that the Motion to Dismiss be adjourned to give the Debtor an opportunity to complete the sale of her real property.

WHEREFORE, it is respectfully requested that the Trustee’s motion to dismiss the subject Chapter 13 petition should be denied in its entirety and for such other and further relief as to this court may seem just and proper.

Dated: Garden City, New York
December 17, 2018

s/Amy Berkowitz-Ortiz
Amy Berkowitz-Ortiz, Esq.
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